

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Peter C. Harris et al. Art Unit : 1633
Serial No. : 10/501,834 Examiner : Quang Nguyen
Filed : May 26, 2005 Conf. No. : 6384
Title : POLYCYSTIC KIDNEY DISEASE NUCLEIC ACIDS AND PROTEINS

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the Restriction Requirement mailed June 19, 2007, Applicants elect the invention of Group II, claims 52-59. The election is made with traverse.

At page 2 of the Restriction Requirement, the Examiner stated that Group I included claims drawn to an isolated nucleic acid comprising a sequence encoding a fibrocystin polypeptide. Applicants note, however, that claims 49-51, which are included in Group I, recite nucleic acids 10 to 1650 nucleotides in length that include one or more nucleotide sequence variants relative to SEQ ID NO:1 and that are at least 80% identical over their length to the corresponding sequence in to SEQ ID NO:1. The nucleic acids recited in claims 49-51 are not required to encode a fibrocystin polypeptide. Thus, Applicants propose that claims 49-51 be added to Group II, such that Group II includes claims 49-59.

Applicants note that the Examiner required election of a particular variant if Group I was elected. Since claims 49-51 were included in original Group I, Applicants elect a variant at position 9689 of SEQ ID NO:1 if the Examiner agrees to Applicants' proposal to add claims 49-51 to Group II.

The election of a variant at position 9689 of SEQ ID NO:1 also is made with traverse, however. To require a restriction to a single variant sequence imposes greater hardship on Applicants than it would on the Office. The maximum size of the nucleic acid recited in claim 49 is 1650 nucleotides. Several other positions recited in claims 50 and 51 are located in the vicinity of position 9689, and could readily be searched at the same time as a variant at position 9689. For example, a single search could be conducted for a nucleic acid that (a) is at least 80% identical over its length to the corresponding sequence within nucleotides 8864-10513 of SEQ

Applicant : Peter C. Harris et al.
Serial No. : 10/501,834
Filed : May 26, 2005
Page : 2 of 2

Attorney's Docket No.: 07039-386US1

ID NO:1 (which is 1650 nucleotides in length and has position 9689 centrally located therein), and (b) contains a variant relative to the sequence of SEQ ID NO:1 at position 9053, 9237, 9415, 9530, 10036, 10174, 10364, 10402, or 10505. Applicants submit that there would be no undue burden on the Office to conduct such a search. Thus, Applicants respectfully request examination of at least two of the positions recited in claims 50 and 51 (in particular, positions 9689 and 9530), preferably at least five of the positions recited in claims 50 and 51 (in particular, positions 9415, 9530, 9689, 10036, and 10174), and more preferably ten of the positions recited in claims 50 and 51 (in particular, positions 9053, 9237, 9415, 9530, 10036, 10174, 10364, 10402, or 10505).

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: July 19, 2007

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